

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH DEAN LEE,

Defendant.

CR-15-63-GF-BMM

**Amended ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 28, 2024. (Doc. 96.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 27, 2024. (Doc. 95.) The United States accused Joseph Lee (Lee) of violating his conditions of supervised release by: (1) using methamphetamine on April 21, 2024; and (2) failing to successfully complete outpatient sex offender treatment program by

being terminated from South Central Treatment Associates program on April 28, 2024; and (3) failing to refrain from the unlawful use of controlled substances, testing positive for methamphetamine and marijuana on July 30, 2024. ((Docs. 79 and 94.)

At the revocation hearings Lee admitted to having violated the conditions of his supervised release by: (1) using methamphetamine on April 21, 2024; and (2) failing to successfully complete outpatient sex offender treatment program by being terminated from South Central Treatment Associates program on April 28, 2024 failing to refrain from the unlawful use of controlled substances, testing positive for methamphetamine and marijuana on July 30, 2024. (Doc. 95.)

Judge Johnston found that the violations Lee admitted prove serious and warrants revocation of his supervised release and recommends a sentence until 12:00 p.m. (noon) on September 30, 2024, on Count II and Count III, with 34 months of supervised release to follow on Count II and Count III, with said terms to run concurrently. (Doc.96.)

The violation proves serious and warrants revocation of Lee's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 96.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Joseph Dean Lee be sentenced to a term of custody until 12:00 p.m. (noon) on September 30, 2024, on Count II and Count III, with 34 months of

supervised release to follow on Count II and Count III, with said terms to run concurrently.

DATED this 11th day of September, 2024.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court